

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 10121 OF 2006

DATED: 26-06-2006

BETWEEN:

K.Seshagiri Rao and another

Petitioners

And

The Government of Andhra Pradesh, Panchayat Raj Department,
Secretariat, Hyderabad, rep. By its Principal Secretary and two
others.

Respondents

THE HONOURABLE SRI JUSTICE P.S. NARAYANA

W.P.No.10121 of 2006

ORDER:

1. Heard the learned counsel on record.
2. The writ petition is filed for writ of Mandamus declaring the action of the respondents is not conducting auctions pursuant to the sealed tender cum public auction notice dated 19-04-2006 in Rc.No.2743/2005 P7, issued by the third respondent in respect of Vibharithalapadu Reach, Chandarlapadu Mandal, Krishna District, in spite of receiving a sum of Rs.20 lakhs each as arbitrary, illegal, failure to exercise power, violative of Articles 14 and 19(1) (g) of the Constitution of India, contrary to the procedure contemplated under the A.P. Minor Mineral Concession Rules, 1966 and consequently direct the third respondent to conduct auctions from where it was stopped and pass such other suitable orders.
3. The learned Assistant Government Pleader for Panchayat Raj had placed telegraphic instructions in relation thereto whereunder the Government had instructed the concerned District Panchayat Officer not to further proceed with the public auction in question by staying the proceedings and further directing to furnish a detailed report on the enclosed representations to be sent immediately to Panchayat Raj Department. It is also stated by the learned Assistant Government Pleader for Panchayat Raj that

unless the Government takes a decision in this regard after receipt of the necessary report, nothing further can be done in this matter. However, the writ petitioners request this court to permit them to approach the Government to ventilate their grievance and to get the order modified if possible.

4. In the light of the said request taking the overall facts and circumstances into consideration especially the fact that already the Government had received a sum of Rs.20 lakhs each, the petitioners are given liberty to approach the Government in this regard. Giving the aforesaid liberty, the writ petition is disposed of. No order as to costs.

P.S.NARAYANA,J

26-06-2006

Stp